

32 is determining the identity of the purchaser from the authorization code received from the user.

In rejecting the claims, the Office Action states that the Messner patent discloses a certificate with an account number, and contends that a recipient of the certificate enters the account number on a merchant's web site, with reference to column 10, lines 14-58. It is respectfully submitted that the Messner patent does not state that the recipient enters the account number on the web site, as asserted in the Office Action. Rather, it states that the recipient completes and submits a redemption form to purchase goods or services (column 10, lines 14-20). It does not indicate whether the account number is one of the items of information entered on that form.

In any event, even if it is assumed that the recipient enters the account number on the form, the Messner patent does not disclose the next step of claim 32, namely "determining the identity of said purchaser from the authorization code received from the user". In rejecting the claim, the Office Action alleges that this subject matter is disclosed in the Messner patent at column 8, lines 47-57. This passage states:

It is preferable that the purchaser 90 supply his name and at least one "address" (preferably, the purchaser will supply both a mailing and an e-mail address) as a part of the purchase. This allows the purchaser 90 to be contacted if delivery is unsuccessful. It is again preferable that the purchase [sic] 90 also be notified of successful delivery of the gift certificate 100...

This disclosure does not pertain to information that is entered by the recipient at the time of redeeming a certificate for goods or services. Rather, it is associated with the initial purchase of the certificate by the purchaser, and the attempts to

*deliver* the certificate to the recipient. It has nothing to do with an "authorization code *received from the user*", i.e. the recipient.

There is no disclosure in the Messner patent that an account code, or other information received from the redemption form submitted by the recipient, is used to determine the identity of the purchaser. The procedure that is carried out upon submission of the redemption form is described in the Messner patent at column 10, lines 29-58. Nowhere does this passage refer to the purchaser of the certificate, particularly determining the identity of the purchaser from the information submitted by the recipient.

Accordingly, it is respectfully submitted that the Messner patent does not disclose the method recited in claim 32, in which a certificate comprising an authorization code having at least one characteristic that identifies a purchaser is provided to the purchaser, this authorization code is entered by a user who has received the certificate from the purchaser, *and the identity of the purchaser is determined from the authorization code received from the user*. That is because the arrangement of the Messner patent is designed to operate in a different manner. Namely, in a system in which the present invention is implemented, the identity of the ultimate user may not be known at the time the certificate is purchased. Consequently, the authorization code is employed to identify the purchaser when the certificate is redeemed, to thereby associate the purchaser with the transaction and credit him/her with any recognition, commissions, etc. that may be due.

In contrast, in the system of the Messner patent, the recipient is identified at the time that the certificate is purchased, so that the certificate can be delivered directly to the recipient. As such, the Messner patent does not disclose any reason

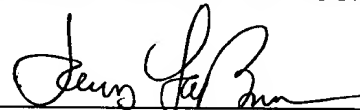
to use the information submitted by the recipient at the time of redeeming the certificate to identify the purchaser, as in the sequence of steps recited in claim 32.

It is respectfully submitted that the secondary references do not contain any teachings that overcome this difference between the disclosure of the Messner patent and the method recited in claim 32. Accordingly, the currently pending claims are patentably distinct from the *Messner* patent, whether considered by itself or in combination with the secondary references. Reconsideration of the application, and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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